

VIRGINIA:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

John Doe,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:1:15-cv-00209-TSE/MSN
)	
The Rector and Visitors of George)	
Mason University, Angel Cabrera,)	
Brent Ericson, and Juliet Blank-Godlove)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

The Defendants, The Rector and Visitors of George Mason University, Angel Cabrera, Juliet Blank-Godlove and Brent Ericson, by and through counsel, and moves pursuant to Rule 12(b)(1) and (6) to dismiss this action in its entirety.

The grounds for the motion are as follows:

1. Count I, II and III should be dismissed against all Defendants for Plaintiff's failure to sufficiently allege a constitutionally protected interest.
2. Count IV should be dismissed against all Defendants for Plaintiff's failure to sufficiently allege a First Amendment retaliation claim.
3. Counts V, VI and VII should be dismissed against all Defendants because Plaintiffs has not plead any recognizable state law tort claim for each of the counts.
4. Counts XII, IX and X should be dismissed against all Defendants because Plaintiff's has failed to sufficiently plead a plausible claim for relief under a gender discrimination theory.

5. In the alternative, the Defendant The Rector and Visitors of George Mason University should be dismissed from Counts I, II, IV and IX, because the state and its agencies are not considered a person under 42 USC § 1983.

6. In the alternative, the Defendant Angel Cabrera should be dismissed Counts I, II, IV and IX because Plaintiff has failed to allege any facts that would impute liability to Mr. Cabrera.

7. In the alternative, Defendants Angel Cabrera, Juliet Blank-Godlove and Brent Ericson should be dismissed from Counts I, II, IV and IX to the extent they are sued in their official capacities as such suits as such Defendants are immune under the Eleventh Amendment.

8. In the alternative, Defendants Juliet Blank-Godlove and Brent Ericson should be dismissed from Counts I, II, IV and IX as they are entitled to qualified immunity.

The legal arguments outlined above are set forth at length in the accompanying Memorandum of Points and Authorities.

This motion is based on the Complaint filed in this action, this motion, the accompanying memorandum of points and authorities, and whatever argument presented at the hearing of this motion.

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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